

REMARKS

Claims 2-4 and 14 have been examined. Applicant has amended claim 2. No claims are cancelled or are newly presented. No new matter has been introduced.

Rejections under 35 USC §112

Claims 2-4 and 14 stand rejected under §112, first paragraph, as failing to comply with the written description requirement. In particular, the examiner states that the specification does not adequately disclose Figure 2b.

This ground of rejection is respectively traversed. Figure 2b is described in paragraphs 0087, 0088, 0091, 0093 and 0094.

Rejections under 35 USC §102

Claims 2, -4 and 14 stand rejected under §102(e) as being anticipated by Woloszko et al. (US 6,896,674).

The claims have been amended to overcome this ground of rejection.

In one embodiment of the present invention, as set forth in claim 2, an electro-surgical apparatus includes an electrode with a cutting edge and has one or more extenders. A housing is coupled to the electrode and includes a top with a top proximal section and a bottom with a bottom proximal section. The top proximal section has a geometry that facilitates creation of a skin flap with a substantially uniform thickness that includes a skin layer and an adjacent layer of subcutaneous tissue. The bottom proximal section has a geometry that preserves a plane of tissue that is positioned adjacent to the adjacent layer of subcutaneous tissue. A guide is coupled to the housing and is configured to smoothly advance the housing over tissue. The electrode is positioned distally to the housing to cut or dissect through tissue to produce a selected plane of dissection within or between one or more tissue layers. A size and shape of the housing, electrode and extenders is selected to produce a substantially uniform depth of dissection.

Woloszko et al. fails to suggest or teach such a device. The device of Woloszko et al. does not provide for the creation of a small incision without opening up a large incision. Instead, Woloszko et al., discloses a bare blade that will go through the skin. Woloszko et al., fails to provide a device that has a housing which is used to determine the depth of a flap creation, as with the present invention. see for example column 35, lines 24-32. Woloszko et al. fail to provide extenders and a housing such that the size of the electrode, extenders and the housing provides that a substantially uniform depth of dissection is created.

CONCLUSION

Applicant believes that the application is in condition for allowance. The Commissioner is authorized to charge Deposit Account 08-1641 for any payment due in connection with this paper, including petition fees and extension of time fees.

Respectfully submitted,
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